

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

[illegible]

## STIPULATION OF DISMISSAL AS TO CLAIMS AGAINST MYLAN

IT IS HEREBY STIPULATED AND AGREED by and between plaintiffs the Consolidated New York Counties, including the County of Orange and the County of Nassau (collectively “Plaintiffs”), and defendants Mylan Inc. (formerly known as Mylan Laboratories Inc.), Mylan Pharmaceuticals Inc. and Mylan Institutional Inc. (formerly known as UDL Laboratories, Inc.) (the foregoing three defendants shall be collectively referred to as “Mylan”) (the Consolidated New York Counties and Mylan shall be collectively referred to as the “Parties”) that:

1. From 2003 through 2007, the City of New York and various New York Counties commenced actions against Mylan in the various federal district courts of New York for, *inter alia*, alleged injuries to the State of New York's Medicaid Program;

2. On June 22, 2005, Plaintiffs’ counsel filed a “corrected” consolidated complaint on behalf of the City of New York and the various counties of New York in such actions (the “Litigation”), in the Multi-District Litigation pending in the United States District Court for the District of Massachusetts, against Mylan entitled *In re Pharmaceutical Average*

*Wholesale Price Litigation: The City of New York, et al. v. Abbott Laboratories, Inc. et al.*

(MDL No. 01-CV-12257-PBS, Subcategory No. 03-10643);

3. On or about November 23, 2004, the County of Nassau brought an action against Mylan in the United States District Court for the Eastern District of New York (Orig. Civ. No. 04-CV-05126), which case was consolidated in the Litigation pending before this Court;

4. On or about April 5, 2007, the County of Orange brought an action against Mylan in the United States District Court for the Southern District of New York (Orig. Civ. No. 07-CV-2777), which case was also consolidated in the Litigation pending before this Court;

5. Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure and the terms of the Settlement Agreement and Release, effective January 25, 2012, , the Parties hereby stipulate to entry of an Order, in the form attached hereto as Exhibit A, dismissing with prejudice all claims asserted by Plaintiffs against Mylan in the Litigation.

The undersigned parties hereto respectfully request the Court to enter an order in the form of the attached proposed order.

DATED: February 10, 2012

Respectfully submitted,

By: /s/ Joanne M. Cicala  
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*On Behalf of Plaintiffs the Consolidated New York  
Counties*

By: /s/ Christopher C. Palermo

Christopher C. Palermo

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*On Behalf of Defendants Mylan Inc., Mylan  
Pharmaceuticals Inc. and Mylan Institutional Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that on February 10, 2012, I caused a true and correct copy of the foregoing Stipulation of Dismissal as to Claims against Mylan to be served on counsel of record for each party through the Court's Electronic Case Filing System and via LexisNexis File & Serve.

/s/ Sung W. Kim  
Sung W. Kim